IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA NO.1911 of 2002

DATE OF DECISION: January 9,2007

Pran Nath Bhandari

….Appellant

VERSUS

Bhupinder Bhandari and others

….

Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL

PRESENT: Shri R.K.Kakkar, Advocate for the appellant.

Viney Mittal,J.(Oral).

Legal representatives of the defendants are appellants before this Court. They have challenged the judgment and decree of the learned First Appellate Court, whereby on an appeal filed by the legal representatives of the plaintiff, the judgment and decree of the trial Court were set aside and as a result thereof, the suit of the plaintiff was decreed.

The plaintiff had filed a suit for permanent injunction for restraining the defendants from blocking or damaging any portion of the common street/passage. Existence of any such common street/passage was denied by the defendants.

The learned trial Court dismissed the suit filed by the plaintiff.

The matter was taken up in appeal. The learned First Appellate Court re-appraised the entire evidence and came to the

conclusion that the passage in question was commonly being used by the parties including the plaintiff and as such over the years, the plaintiff had also acquired a right to use the aforesaid passage. Consequently, the claim of the plaintiff was upheld by the learned First Appellate Court.

Nothing has been shown that the findings of fact recorded by the learned First Appellate Court suffer from any infirmity or are contrary to the record in any manner.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 9, 2007 (Viney Mittal)
KD Judge